

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

ALLSTATE INSURANCE COMPANY, *et al.*,

Plaintiffs,

-against-

MARK MIRVIS, *et al.*,

Defendants.

**08-CV-4405
(PKC) (PK)**

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in support of this Motion, the annexed declaration of Andrew Midgett, Esq. dated June 17, 2019, and exhibits attached thereto, and upon all prior pleadings and proceedings herein, Plaintiffs-Judgment Creditors Allstate Insurance Company, Allstate Indemnity Company, Deerbrook Insurance Company, Allstate New Jersey Insurance Company, and Allstate Property & Casualty Insurance Company (“Plaintiffs”) will move this Court before the Honorable Pamela K. Chen, at the United States Courthouse, 225 Cadman Plaza E, Brooklyn, NY 11201, Courtroom 4F N, pursuant to the New York Civil Practice Law and Rules and the Debtor and Creditor Law, made applicable to these proceedings by Rule 69(a)(1) of the Federal Rules of Civil Procedure, for an Order: (a) setting a briefing schedule for any responses to this Motion, and for any reply(ies) to such responses; (b) scheduling or holding such further briefing or proceedings as the Court may require; (c) authorizing and directing the United States Marshals Service for the Eastern District of New York to sell the real property known as 289 Bayberry Drive North, Hewlett Harbor, New York 11557, and identified in the land records of Nassau County as Section 42, Block 266, Lot 1, in accordance with Sections 5206(e) and 5236 of the C.P.L.R., with the proceeds of the sale to be

placed into the registry of the Court pending an adjudication of the rights and interests of parties and/or non-parties therein; and (d) granting such other or further relief as the Court may deem just and proper.

Dated: June 17, 2019
New York, New York

Respectfully submitted,

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Company*